THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.17657 of 2006

DATED 25.08.2006

Between:

M/s. Indian Bank, Osmangunj Branch,
N.S. Road, Hyderabad, represented by
its Senior Manager. .... PETITIONER

Versus

The Commissioner, Municipal Corporation of
Hyderabad, Tank Bund, Hyderabad and two
others. .... RESPONDENTS

WRIT PETITION NO.17657 of 2006

ORDER:

Heard the learned counsel on record.

2. The matter is coming up for admission today.

3. Sri Siva Kumar had taken this Court through the contents of the affidavit filed in support of the Writ Petition and would maintain that in the facts and circumstances the 3rd respondent as Fee Collection Agent of Municipal Corporation of Hyderabad cannot disturb the proceedings of the Bank by making the unauthorized demands as specified in the affidavit filed in support of the Writ Petition.

4. Sri Rama Rao Ghanta, learned counsel representing the respondents 1 and 2 would submit that inasmuch as a demand alone is maintained by the 3rd respondent, who is just an authorized agent of respondents 1 and 2, the 2nd respondent would look into the grievance and take appropriate decision in this regard, and hence at this stage an opportunity may be given to the petitioner to raise such objections before the 2nd respondent.

5. It is needless to say that the 3rd respondent is only an agent of respondents 1 and 2.

6. The Writ Petition is filed for a Writ of Mandamus declaring the action of the respondents in treating the name board erected by the petitioner-bank on its premises as advertisement within the meaning of Section 421 read with Section 622 of Hyderabad Municipal Corporation Act and consequently demanding the advertisement fee vide the impugned notice dated 20.7.2006,

No.143/Advt./Nest/MCH/2005-06 as illegal, arbitrary and violative of principles of natural justice and consequently set aside the said impugned notice issued by the 3rd respondent being the collection agent of respondents 1 and 2, in the interest of justice.

7. Several factual aspects had been narrated in detail in the affidavit filed in support of the Writ Petition. It is stated that the name board of the petitioner-bank is displayed on the bank premises for the purpose of information to the public more so to the customers and borrowers and the lighting provided to the same name board is only for the purpose of visibility to the public during night time. Hence, the display of the name board with lights by the petitioner-bank cannot be called as 'an advertisement' within the meaning of Section 421 of Hyderabad Municipal Corporation Act. It is stated that the 3rd respondent, being collection agent of respondents 1 and 2, issued a notice dated 20.7.2006 vide No.143/Advt.Nest/MCH/2005-06, purported to be under Section 421 read with Section 622 of Hyderabad Municipal Corporation Act to the petitioner-bank demanding Rs.9,974/- towards advertisement fee for the year 2005-06. It is also stated that in the said notice that failure to pay the advertisement fee attracts penal action and removal of unauthorized erection of the board. The said notice is being challenged on several grounds.

8. Inasmuch as the petitioner is a Nationalised Bank and an objection is being raised that the display of such name board would not fall within the meaning of 'advertisement', it would be appropriate for the petitioner to raise appropriate objections in this regard before the 2nd respondent within a period of four (04) weeks from today and the 2nd respondent to consider such objections, which may be filed by the petitioner, and take a decision in accordance with law and till then the respondents not to insist upon any payment whatsoever from the petitioner in pursuance of the demand notice challenged in the Writ

Petition.

9. The Writ Petition is disposed of accordingly. No costs.

25.08.2006

SSR